IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6871 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GULISTA PARK COOP HOS SOCIETY

Versus

STATE OF GUJARAT

Appearance:

MR MI PATEL for Petitioners

MR BD DESAI, AGP for Respondent No. 1

MR UR GANDHI for Respondent No. 2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 05/05/2000

ORAL JUDGEMENT

In this petition under Articles 226 and 227 of the Constitution, the petitioners have challenged the orders passed by the Additional Registrar, Co-operative Societies (Appeals), Gujarat State restoring the order of the District Registrar, Co-operative Societies, Mehsana under Section 81 of the Gujarat State Co-operative Societies Act, 1961 (hereinafter referred to as "the Act") for superseding the Managing Committee of

petitioner No. 1 society. Petitioner Nos. 2 to 8 are members of the said Managing Committee.

2. On the grounds that petitioner No. 1 society had committed serious defaults in repayment of the dues of the Gujarat State Co-operative Housing Finance Society Ltd. - respondent No. 2 herein, and that there was gross negligence on the part of the Managing Committee in not holding meetings regularly and in not recovering the amounts due from the members regularly and in not taking action against defaulting members and in not preparing and publishing the annual reports and similar acts of omission, the District Registrar had issued a show cause notice. After considering the reply, the District Registrar passed the order dated 15.3.1989 removing the Managing Committee and appointing the Administrator. The Appeal filed by the Managing Committee members came to be allowed by the Additional Registrar, Co-operative Societies (Appeals). Thereupon the Gujarat State Co-operative Housing Finance Society Ltd. preferred a revision application before the State Government. The State Government allowed the revision application by its impugned order dated 5.9.1989. The Society and the members of the Managing Committee, therefore, filed the present petition.

3. Having gone through the orders of the District Registrar, Additional Registrar, Co-operative Societies (Appeals) and the State Government, it appears that no fault can be found with the impugned orders of the District Registrar and the State Government in revision. Respondent No. 2 had sanctioned a loan of Rs. 9.75 lacs for construction of dwelling units. An amount of Rs. 5 lacs was disbursed. The petitioner society, however, made payment of only three instalments as against 24 instalments which were required to be paid by the time the order was passed by the District Registrar. The assurances given by the petitioners do not seem to have been carried out even when the revision application was heard and decided.

4. In view of the above, no interference of this Court is called for in exercise of the extraordinary, prerogative and discretionary jurisdiction under Articles 226 and 227 of the Constitution.

The petition is, therefore, dismissed. Rule is discharged.

May 5, 2000 (M.S. Shah, J.)
sundar/-